

Appl. No.: 09/977,206
Amdt. dated 04/25/2007
Reply to Office action of 01/25/2007

REMARKS

This amendment is submitted with a Request for Continued Examination and appropriate fee in reply to the Office Action dated January 25, 2007. Claims 23-28 and 30-45 currently stand rejected. Applicant has amended independent claims 23, 31, 33 and 40 to more particularly distinguish the claimed invention from the cited references. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §103

Claims 23-34 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakurai (U.S. Patent No. 6,600,930) in view of Freeland et al. (U.S. Patent Application Publication No. 2003/0028380, hereinafter "Freeland") and Bendelac et al. (U.S. Patent No. 6,845,102).

Independent claim 33 has been amended to recite, *inter alia*, receiving a search term for a search engine offline and receiving an instruction to carry out a search online using the search term received offline. In other words, the controller of the claimed invention receives the search term before establishing a connection with a server and then conducts an online search using the search term received offline. Thus, according to embodiments of the claimed invention, user expense is spared by avoiding conduct of search term entry on-line as described at page 2, lines 27-31 of the specification as filed. Applicant respectfully submits that similar recitations with respect to the feature described above in independent claim 33 are also included in independent claims 23, 31 and 40 as amended, which are directed to corresponding device, system and computer program product claims, respectively.

As described in Applicant's previous response and admitted in the Office Action, Sakurai and Freeland each fail to teach or suggest receiving a search term for a search engine offline. As such, both Sakurai and Freeland also necessarily fail to teach or suggest receiving an instruction to carry out a search online using the search term received offline as further recited in the claimed invention.

The Office Action cited Bendelac as curing the deficiencies of the combination of Sakurai and Freeland by virtue of Bendelac's disclosure of offline searching at col. 4, lines 40-42. Applicant initially respectfully notes that the claimed invention is not directed to offline searching, and thus, the citation of Bendelac as curing the deficiencies of Sakurai and Freeland is curious. Rather, the claimed invention is directed to receiving a search term offline and then conducting an online search using the search term received offline. In the cited passage of Bendelac and also at col. 8, lines 11-16, Bendelac discloses that particularly when an Internet terminal is connected via a link that is not always available, the gateway of Bendelac may perform offline services such as conducting intelligent off-line searches. Applicant respectfully submits that it stands to reason that in order for the gateway of Bendelac to perform an offline search when the link is not available, the search term must be provided to the gateway via an online session when the link is available. As such, Bendelac fails to provide any disclosure that teaches or suggests offline receipt of a search term, but only instead describes that the search itself is conducted offline. To the contrary, the claimed invention is directed to an online search using a search term provided offline. Accordingly, Bendelac fails to teach or suggest receiving a search term for a search engine offline and receiving an instruction to carry out a search online using the search term received offline as recited in the claimed invention. It should be noted that regardless of whether another reference might disclose online searching, such online searching has not been shown to be performed with using a search term received offline in any of the cited references.

Since Freeland, Sakurai and Bendelac each fail to teach or suggest the above recited features, any combination of the cited references also fails to teach or suggest the above recited features of the claimed invention. Thus, the independent claims of claimed invention (i.e., independent claims 23, 31, 33 and 40) are each patentable over the cited references. Claims 24-28, 30, 32, 34-39 and 41-45 depend directly from a corresponding one of either independent claim 23, 31, 33 or 40, and thus include all the recitations of their corresponding independent claims. Thus, dependent claims 24-28, 30, 32, 34-39 and 41-45 are patentable for at least the same reasons given above for independent claims 23, 31, 33 and 40.

Appl. No.: 09/977,206
Amdt. dated 04/25/2007
Reply to Office action of 01/25/2007

Thus, for all the reasons stated above, the rejections of claims 23-28 and 30-45 are overcome.

Appl. No.: 09/977,206
Amdt. dated 04/25/2007
Reply to Office action of 01/25/2007

CONCLUSION

In view of the amendments and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Chad L. Thorson
Registration No. 55,675

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES
PATENT & TRADEMARK OFFICE ON APRIL 25, 2007.**